BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

HOUSE TAXATION COMMITTEE

Date: Friday, April 8, 2011

Place: Capitol

Time: 10:30 A.M.

Room: 152

BILLS and RESOLUTIONS HEARD:

HJ 31 - Study of property tax reappraisal process

EXECUTIVE ACTION TAKEN:

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56 245 (BCAA) HT 24 (P) 56 406 (P)
HT 31 (P) 56 941 (BCAM)

Comments:

REP. Mark Blasdel, Chair

ROLL CALL

TAXATION COMMITTEE

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<u>NAMES</u>	PRESENT	ABSENT/EXCUSED
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Rep. Kelly Flynn		
Rep. Kathleen Williams	V	
Rep. Jerry O'Neil		
Rep. Wayne Stahl		
Chairman Mark Blasdel		

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April 8, 2011 Page 1 of 1

Mr. Speaker:

We, your committee on Taxation recommend that House Joint Resolution 13 (first reading copy -- white) do pass.

Signed:

Representative Mark Blasdel, Chair

- END -

Committee Vote:
Yes 19, No 0
Fiscal Note Required ___

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April 8, 2011 Page 1 of 1

Mr. Speaker:

We, your committee on **Taxation** recommend that **House Joint Resolution 24** (first reading copy -- white) **do pass**.

Signed:

Representative Mark Blasdel, Chair

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Committee Vote:
Yes 13, No 6
Fiscal Note Required ____

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BILL TABLED NOTICE

HOUSE TAXATION COMMITTEE

The HOUSE TAXATION COMMITTEE TABLED SB 94 - Revise waters edge provisions of corporation taxes , by motion, on Friday, April 8, 2011.

Son M. M. Mari	213	
(For the Committee)		(For the Chief Clerk of the House)
		(Time) (Date)
April 8, 2011	Lisa Adams, Secretary	Phone: 4745



April 8, 2011 Page 1 of 2

Mr. Speaker:

We, your committee on **Taxation** recommend that **Senate Bill 214** (third reading copy -- blue) be concurred in as amended.

Signed: MM

Representative Mark Blasdel, Chair

To be carried by Representative Dick Barrett

And, that such amendments read:

1. Page 1, line 18.

Following: "(2)"

Insert: "(a)"

Strike: "When"

Insert: "Except as provided in subsection (2)(b), when"

2. Page 1, line 20.

Following: "20-9-353"

Insert: ". (b)"

Strike: ", except when a"

Insert: "The trustees are not required to submit a proposition to

the electors if the"

3. Page 2, line 11.

Following: "(2)"

Insert: "(a)"

Strike: "When"

Insert: "Except as provided in subsection (2)(b), when"

4. Page 2, line 13.

Following: "15-10-425"

Insert: ". (b)"

Strike: ", except when a"

Insert: "The trustees are not required to submit a proposition to

Committee Vote:

Yes 11, No 8

Fiscal Note Required

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April 8, 2011 Page 1 of 2

Mr. Speaker:

We, your committee on **Taxation** recommend that **Senate Bill 265** (third reading copy -- blue) be concurred in as amended.

Signed:

Representative Mark Blasdel, Chair

To be carried by Representative Kathleen Williams

And, that such amendments read:

1. Title, page 1, line 5.

Following: "AND"

Insert: "RESIDENTIAL GRAY WATER SYSTEMS AND"

2. Page 1, line 13.

Strike: "3"
Insert: "4"

3. Page 2.

Following: line 18

Insert: "NEW SECTION. Section 2. Gray water system for newly constructed residence -- tax abatement. (1) A residential dwelling that is under construction or that is newly constructed with a residential gray water system is taxed at 91% of its taxable market value during the course of the construction and for 10 years after completion of construction as provided in this section.

(2) To receive a tax abatement under this section, a taxpayer shall apply, on a form provided by the department, to the department on or before April 15 of the year for which the first abatement is claimed for property under construction and for the first year of the completion of construction but not later than 1 year after the completion of the construction. The claimant shall provide a certification from the local board of health pursuant to 50-2-116 that the residential dwelling is

Committee Vote:

Yes 11, No 8

Fiscal Note Required

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under construction or was constructed with a gray water system that meets the requirements of this section. The department may require other information that it considers necessary to determine the eligibility of the residential dwelling for a property tax abatement.

(3) An abatement granted under this section remains in effect through the 10th year following the year construction was completed."

Renumber: subsequent sections

4. Page 2, line 24. Following: "apply"

Insert: ", on a form provided by the department,"

5. Page 3, line 8.

Following: "3"
Insert: "or 3"

6. Page 2, line 9.

Following: "or"

Insert: "gray water system under [section 2] or"

7. Page 2, line 10.

Strike: "2"
Insert: "3"

8. Page 2, line 11.

Following: "3"
Insert: "or 3"

9. Page 2, line 14.

Strike: "3"
Insert: "4"

10. Page 2, line 16.

Strike: "3" Insert: "4"

11. Page 2, line 20.

Following: "and"

Insert: "residential dwellings and"



April 8, 2011 Page 1 of 3

Mr. Speaker:

We, your committee on **Taxation** recommend that **Senate Bill 411** (third reading copy -- blue) be concurred in as amended.

Signed: M. M.

Representative Mark Blasdel, Chair

To be carried by Representative Dick Barrett

And, that such amendments read:

1. Page 1, line 27.

Following: "(1)"

Strike: "A"

Insert: "(a) Subject to subsection (1)(b), a"

2. Page 2, line 1.

Strike: "but not less than \$50"

3. Page 2.

Following: line 4

Insert: "(b) A penalty imposed under subsection (1)(a) must be

reduced by the amount of the penalty imposed under

subsection (2)(a) or (2)(b)."

4. Page 2, line 5.

Strike: "subsection"

Insert: "subsections"

Following: "(2)(b)"

Insert: "and (2)(d)"

5. Page 2, line 8.

Strike: "A"

Insert: "Except as provided in subsection (2)(d), a"

Committee Vote:

Yes 16, No 3

Fiscal Note Required ___

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6. Page 2.

Following: line 12

Insert: "(d) A penalty may not be imposed under subsection
 (2)(a) or (2)(b) on the amount of unpaid tax if the taxpayer
 demonstrates there is reasonable cause for the unpaid amount
 and the taxpayer acted in good faith with respect to the
 unpaid amount."

7. Page 2, line 13.

Strike: "<u>(d) A</u>"

Insert: "(3)(a) Subject to subsection (3)(b), a"

8. Page 2, line 15.

Strike: "(2)(d)" **Insert:** "(3)"

9. Page 2, line 16.

Strike: "(2)(d)"
Insert: "(3)"

10. Page 2.

Following: line 23

Insert: "(b) The amount of substantial understatement must be
 reduced by the amount of the understatement that is
 attributable to:

(i) the tax treatment of any item by the taxpayer if there is or was substantial authority for the treatment; or

(ii) any item if the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or in a statement attached to the return and there is a reasonable basis for the tax treatment of the item by the taxpayer."

11. Page 2, line 24.

Strike: "(3)"
Insert: "(4)"

Renumber: subsequent subsections

12. Page 3, line 9. Strike: "(6)(A)(I)"

Insert: "(7)(a)(i)"

13. Page 3, line 10.

Strike: "(6)(A)" **Insert:** "(7)(a)"

14. Page 3, line 21.

Strike: "(7)(B)"
Insert: "(8)(b)"

15. Page 4, line 3.

Strike: "(6)(A)(I)"
Insert: "(7)(a)(i)"
Strike: "(7)(A)"
Insert: "(8)(a)"

- END -



April 8, 2011 Page 1 of 1

Mr. Speaker:

We, your committee on **Taxation** recommend that **Senate Bill 412** (third reading copy -- blue) **be concurred in**.

Signed:

Representative Mark Blasdel, Chair

To be carried by Representative Sterling Small

- END -

Committee Vote:
Yes 15, No 4
Fiscal Note Required ___

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April 8, 2011 Page 1 of 3

Mr. Speaker:

We, your committee on **Taxation** recommend that **Senate Bill 426** (third reading copy -- blue) be concurred in as amended.

Signed: M. M. Representative Mark Blasdel, Chair

To be carried by Representative Tom McGillvray

And, that such amendments read:

1. Title, page 1, line 4.

Following: "ACT"

Insert: "CREATING THE TREASURE STATE TAXPAYER DIVIDEND PROGRAM;"

2. Title, page 1, line 5.

Strike: "REVENUE"

Insert: "FUND BALANCE"

3. Title, page 1, line 6. Following: "AMOUNTS OF"

Insert: "ALL"

4. Page 1, line 13.

Strike: "state revenue"
Insert: "fund balance"

5. Page 1, line 15.

Strike: "revenue received"

Insert: "balance"

6. Page 1, line 16.
Strike: "revenue"

Insert: "balance"

Committee Vote:

Yes 13, No 6

Fiscal Note Required ___

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7. Page 1, line 19 through 21.

Strike: "revenue received" on line 19

Insert: "balance"

Strike: "106%" on line 19

Insert: "125%"

Following: the second "fund" on line 19

Insert: "balance"

Strike: "," at end of line 19 through "reversions" on line 21

Following: "year]." on line 21

Insert: "Tax credits are not allowed under this section unless

the excess balance is at least \$5 million."

8. Page 1, line 22.

Strike: "106%" **Insert:** "125%"

9. Page 1, line 27.

Strike: "divide"

Insert: "determine the percentage by dividing"

10. Page 1, line 28.

Strike: "revenue"
Insert: "balance"

11. Page 1, line 29.

Following: "collections"

Insert: "from Montana residents"

12. Page 1, line 30.

Strike: "revenue"
Insert: "balance"

13. Page 2, line 1.

Strike: "that is a percentage"

14. Page 2, line 2.

Strike: "percentage"

Insert: "amount"

15. Page 2, line 3.

Strike: "divide the property tax share of available excess

revenue"

Insert: "multiply the percentage determined in subsection (2)(a)"

16. Page 2, line 6.

Strike: "revenue"

Insert: "balance"

17. Page 2, line 7.

Strike: "that is a percentage of the amount the"

Insert: "each"

18. Page 2, line 8. Strike: "percentage"

Insert: "amount"

19. Page 2, line 9.

Strike: "divide the income tax share of available excess revenue"

Insert: "multiply the percentage determined in subsection (2)(a)"

20. Page 2, line 22.

21. Page 3, line 5.

Strike: "revenue"

Insert: "general fund balance"

22. Page 3, line 7.
Strike: "revenue"

Insert: "general fund balance"

- END -



April 8, 2011 Page 1 of 3

Mr. Speaker:

We, your committee on **Taxation** recommend that **Senate Bill 429** (third reading copy -- blue) be concurred in as amended.

Signed: M

Representative Mark Blasdel, Chair

To be carried by Representative Mark Blasdel

And, that such amendments read:

1. Title, page 1, line 5.

Strike: "AUTHORIZING A REINSTATEMENT FEE;"

2. Title, page 1, line 6.

Strike: "AN IMMEDIATE"

Strike: "DATE"

Insert: "DATES AND A TERMINATION DATE"

3. Page 1, line 28 through line 29.

Strike: subsection (4) in its entirety

4. Page 1.

Following: line 29

Insert: " Section 2. Section 35-8-912, MCA, is amended to read:

"35-8-912. Reinstatement following administrative dissolution. (1) A limited liability company administratively dissolved under the provisions of 35-8-209 may apply to the secretary of state for reinstatement within 5 years after the effective date of dissolution to restore its right to carry on business in this state and to exercise all its privileges and immunities. The applicant shall file an official application. The application must A limited liability company applying for reinstatement shall submit to the secretary of state an official application, executed by a person who was a member or manager at

Committee Vote:

Yes 13, No 6

Fiscal Note Required ___

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the time of dissolution, setting forth:

- (a) recite the name of the company and the effective date of its administrative dissolution;
- (b) state that the ground for dissolution either did not exist or has been eliminated;
- (c) state that the company's name satisfies the requirements of 35-8-103;
- (d) contain a certificate from the department of revenue reciting that all taxes owed by the company have been paid; and
- (e) include all annual reports not yet filed with the secretary of state.
- (a) the name and business mailing address of the limited liability company;
- (b) a statement that the assets of the limited liability company have not been liquidated;
- (c) a statement that a majority of its members have authorized the application for reinstatement; and
- (d) if its name has been legally acquired by another entity prior to its application for reinstatement, the name under which the limited liability company desires to be reinstated.
- (2) The limited liability company shall submit with its application for reinstatement:
- (a) a certificate from the department of revenue stating that all taxes imposed pursuant to Title 15 have been paid unless a limited liability company has only one member and has not elected to be taxed as a corporation; and
- (b) all annual reports not yet filed with the secretary of state.
- (2) If the secretary of state determines that the application contains the information required by subsection (1) and that the information is correct, the secretary of state shall cancel the certificate of dissolution, prepare a certificate of reinstatement that recites this determination and the effective date of reinstatement, file the original of the certificate, and serve the company with a copy of the certificate.
- (3) When reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution, and the company may resume its business as if the administrative dissolution had not occurred.
- (3) When all requirements of subsections (1) and (2) are met and the secretary of state reinstates the limited liability company, the secretary of state shall:
- (a) conform and file in the office of the secretary of state reports, statements, and other instruments submitted for reinstatement;
- (b) immediately issue and deliver to the reinstated limited liability company a certificate of reinstatement authorizing it to transact business; and
- (c) upon demand and receipt of the specified fee, issue to the limited liability company one or more certified copies of the certificate of reinstatement.

- (4) The secretary of state may not order a reinstatement if 5 years have elapsed since the date of dissolution.
- (5) A restoration of limited liability company rights pursuant to this section relates back to the date the limited liability company was administratively dissolved, and the limited liability company is considered to have been an existing legal entity from the date of its original organization."

Insert: "COORDINATION SECTION. Section 3. Coordination
instruction. If Senate Bill No. 63 and [this act] are both passed
and approved, then [section 18 of Senate Bill No. 63] amending
35-8-912 is void"

Renumber: subsequent section

5. Page 2, line 1.
Strike: "date"
Insert: "dates"

Strike: "[This act]"

Insert: "Except as provided in subsection (2), [this act]"

6. Page 2.

Following: line 1

Insert: "(2) [Section 2] is effective October 1, 2011."

Insert: "NEW SECTION. Section 5. Termination. [Section 1]

terminates September 30, 2011."



April 8, 2011 Page 1 of 1

Mr. Speaker:

We, your committee on **Taxation** recommend that **Senate Bill 406** (third reading copy -- blue) **be concurred in**.

Signed: MN

Representative Mark Blasdel, Chair

To be carried by Representative Austin Knudsen

- END -

Committee Vote:
Yes 12, No 7
Fiscal Note Required ___





April 8, 2011 Page 1 of 1

Mr. Speaker:

We, your committee on **Taxation** recommend that **House Joint Resolution 31** (first reading copy -- white) **do pass**.

Signed:

Representative Mark Blasdel, Chair

- END -

Committee Vote:
Yes 11, No 8
Fiscal Note Required ___

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Roll Call Vote TAXATION COMMITTEE

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Roll Call Vote TAXATION COMMITTEE

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Roll Call Vote TAXATION COMMITTEE

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Roll Call Vote TAXATION COMMITTEE

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Roll Call Vote

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Roll Call Vote TAXATION COMMITTEE

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Roll Call Vote

TAXATION COMMITTEE

DATE: $\frac{4}{}$	8/11	BILL NO	406	MOTION	
NO					
MOTION:	Do	Concur			

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<u>NAME</u>	<u>AYE</u>	<u>NO</u>	PROXY*
Vice Chairman Mike Miller	1	4	
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Rep. Austin Knudsen	المسامل	ut.	
Rep. Edie McClafferty		and the second second	
Rep. Max Yates		Lumman	
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Chairman Mark Blasdel	\short \delta \d		

^{*}If Proxy Vote, include signed Proxy Form with minutes

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Roll Call Vote

TAXATION COMMITTEE

DATE: 4/8///	BILL NO. HJ3/	MOTION	
NO	75		
MOTION:	Do Pass		

NIABATT	A37E	NO	DDOVV*
NAME	<u>AYE</u>	<u>NO</u>	PROXY*
Vice Chairman Mike Miller	Lorent		
Rep. Dick Barrett			
Rep. Alan Hale	S. produce served of		
Rep. Lee Randall	Larentee		
Rep. Mike Phillips			
Rep. Steve Lavin			
Rep. Austin Knudsen	Lamo		
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Rep. Max Yates	Lawrence .		
Rep. Janna Taylor	Loren		
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Rep. Mary McNally		V	
Rep. Steve Fitzpatrick	V		
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Rep. Wayne Stahl			
Chairman Mark Blasdel	Lawrence .		

^{*}If Proxy Vote, include signed Proxy Form with minutes

 $S: \label{thm:committees} \ Taxation \ \ TaxRoll Call Vote 2011 rev. wpd$

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Committee because of other committees.	ommitn	nents. I	desire to leave my proxy vote with:		
		ye or No	o. If there are amendments, list them	by nam	e and
BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HJ 13	V				
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SB 94					
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SB 412	V				
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Rep. Mike Phelle (Signat			Date_i/8	/11	

AUTHORIZED COMMITTEE PROXY

I request to be excused from the	ne	Tax	ation		· ·
Committee because of other co	ommitn	nents. I	desire to leave my proxy vote wi	th:	
V. e.	orka	1 //	Miller		
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ndicate Bill number and your number under the bill and indi			o. If there are amendments, list the	em by name	e and
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BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
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Rep. Karry	Hy	m	Date	=8-/	

MONTANA House of Representatives Visitors Register HOUSE TAXATION COMMITTEE

Friday, April 8, 2011 HJ 31 - Study of property tax reappraisal process Sponsor: Representative Gordon Hendrick

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Name	Representing	Support	Oppose
Name	Vehieseimin	Jupport	Obhose
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Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.